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COMMITTEE ON ECONOMIC, SOCIAL
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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

List of issues to be taken up in connection with the consideration of the fourth periodic report of POLAND (E/C.12/4/Add.9) concerning articles 1 to 15 of the International Covenant on Economic, Social and Cultural Rights

I. GENERAL INFORMATION

General legal framework within which human rights are protected

1. According to paragraph 66 of the core document submitted by Poland (HRI/CORE/1/Add.25/Rev.1), it is a legal requirement that an international agreement dealing with human rights and freedoms must be approved by a law prior to ratification. Please specify whether the International Covenant on Economic, Social and Cultural Rights was approved by a law prior to ratification, whether the provisions of the Covenant may be invoked by Polish citizens in the courts. Please provide case law, if existing.

II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)

Article 2.2. Non-discrimination

2. Please indicate to what extent and in what manner the rights recognized in the Covenant are guaranteed for aliens residing in Poland, including asylum-seekers and refugees.

3. What measures has the State party taken to combat xenophobic campaigns and violence against certain minorities, in particular Jews and Roma?

Article 3. Equality of men and women

4. Please provide information concerning the follow-up given to the recommendations made by the Committee in its concluding observations on the third periodic report of Poland concerning discrimination against women.

5. If the bill on equality between the sexes has been adopted, please provide details of its contents.

III. ISSUES RELATING TO SPECIFIC PROVISIONS OF THE COVENANT (arts. 6-15)

Article 6. The right to work

6. What has been the impact of the programmes approved in June 1998 to restructure the steel industry and reform the mining sector? To what extent have lay-offs in these sectors been offset by the creation of new jobs in other industries? What happened to the workers who were made redundant?

7. Article 19, paragraph 1, of the Labour Code stipulates that a person may be debarred from practising a given occupation pursuant to an executive decree. Please state whether this legal provision has ever been applied.

Article 7. The right to just and favourable conditions of work

8. Please state whether the new occupational classification scheme adopted in 1995 has been put into effect and what practical impact it has had on employees' wages.

9. The report highlights the fact that women's wages are lower than men's. What specific measures has the Government taken to combat this discrimination?

10. Please provide information about the organization of the State Labour Inspectorate and the Health Inspectorate, describing the powers of labour and health inspectors, in particular whether they have the authority to decide to close down provisionally a site or other workplace if they note that working conditions may potentially endanger the life or health of employees.

Article 8. Trade union rights

11. Please indicate how many enterprises in the private and public sector lack trade union organizations, and the total number of employees involved. If necessary, please explain the reason for this lack of trade-union representation.

12. Please provide information on the trade union rights, and in particular on the right to strike, of all civil servants.

Article 9. The right to social security

13. How far advanced is the process of ratifying International Labour Organization (ILO) Conventions Nos. 102, 121, 128, 130 and 168? If Convention No. 102 has not yet been ratified, please explain why.

14. It seems from the State party's report that the method for calculating old-age pensions is somewhat complicated; the description of the method does not clearly indicate the level of pensions in relation to the minimum wage and average earnings. Please cite some specific examples of how the amount of the retirement pension is calculated.

15. Outline the basic changes that have been made to the social security system under the Act of 13 October 1998, which should have entered into force on 1 January 1999.

Article 10. Protection of the family, mothers and children

16. Please give an overview of the main points of the Act dealing with family planning, the protection of the human foetus and the restriction of abortions. Please provide statistics on the number of illegal abortions when the persons involved in such a practice were the subject of legal prosecutions.

17. In its concluding observations pursuant to its consideration of the third periodic report of Poland, the Committee expressed its concern regarding the increase in domestic violence and the lack of provisions to tackle sexual harassment of women. Please provide information about the current situation and any measures that have been taken to address these problems.

Article 11. The right to an adequate standard of living

18. How widespread is poverty in Poland and what are the principal strategies adopted by the authorities to assist the poor and to tackle the root causes of poverty? Please indicate whether there are special measures targeting disadvantaged groups such as ethnic minorities, refugees and asylum-seekers.

19. Please provide more details about the criteria used to determine which households or individuals are eligible to receive financial assistance towards covering their housing costs. Is there an officially stipulated threshold linked to ability to pay or a certain proportion of income?

20. According to the fourth periodic report, the number of homeless persons increased up to approximately 80,000 in 1998. Meanwhile, statistics cited in the same report indicate an increase in the number of court-ordered and "forced" evictions. Please state what measures have been taken by the Government to provide alternative housing for persons who have been forcibly evicted. Information about evictions connected with cases of domestic violence and for non-payment of maintenance or housing costs would also be welcome.

Article 12. The right to physical and mental health

21. The National Health Programme for the period 1996-2005 sets forth strategic objectives and specifies the goals that need to be met to improve health and quality of life. Please describe the main achievements of the programme to date and their impact on the health sector in Poland.

22. The fourth periodic report refers to the State party's commitment to reform the health-care network in rural areas, particularly the health and safety of agricultural workers. Please indicate what measures have been taken to plan and implement this undertaking.

23. Please describe the measures taken to combat drug addiction and alcoholism and indicate the effectiveness of such measures.

24. Please describe legislation concerning persons with HIV/AIDS, especially any provisions relating to health care facilities made available to them, including HIV/AIDS screening facilities. Please provide statistics on the number of persons living with HIV/AIDS and describe the programmes being implemented to integrate persons infected with HIV/AIDS into social life (the right to work, the right to education, etc.). Please also indicate whether there are adequate awareness raising programmes about HIV/AIDS.

Article 13. The right to education

25. The report provides general information about financial measures, including scholarships, designed to ensure equal access to every level of the education system in Poland. Please give details, including statistical data, on how much financial assistance is available and the identity of the beneficiaries, and specify whether the criteria for awarding scholarships are adequate to ensure that members of disadvantaged groups have access to the educational system.

26. Please provide information about financial assistance given by the State party to denominational schools and indicate whether all religious denominations benefit from it.

Article 15. The right to take part in cultural life, enjoy the benefits of scientific progress and the protection of intellectual property

27. What problems have been encountered during the political and economic transition period in adapting the management of programmes at cultural institutions to the principles of a free market economy and the requirements of a democratic society? Have cultural institutions suffered? Is the right to take part in cultural life being exercised more effectively in the current economic and social environment?

28. What measures does the Government envisage to promote access to culture by people living in the countryside and to assist cultural institutions in rural areas?